

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: Anderson, Joshua LaRue Case No. 24-60206
 Debtor. CHAPTER 13 PLAN Modified
 Dated 08/16/2024

In a joint case, debtor means debtors in this plan.

Part 1. NOTICE OF NONSTANDARD PLAN PROVISIONS, SECURED CLAIM LIMITATIONS, AND LIEN OR SECURITY INTEREST AVOIDANCE: Debtor must check the appropriate boxes below to state whether or not the plan includes each of the following items:

1.1	A limit on the amount of a secured claim based on a valuation of the collateral for the claim, set out in Parts 9 or 16	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.2	Avoidance of a security interest or lien, set out in Part 16	<input type="checkbox"/> Included	<input checked="" type="checkbox"/> Not Included
1.3	Nonstandard provisions, set out in Part 16	<input checked="" type="checkbox"/> Included	<input type="checkbox"/> Not Included

Part 2. DEBTOR'S PAYMENTS TO TRUSTEE: The initial plan payment is due not later than 30 days after the order for relief, unless the court orders otherwise.

2.1 As of the date of this plan, the debtor has paid the trustee \$780.00.

2.2 After the date of this plan, the debtor will pay the trustee:

Plan payment	Start MM/YYYY	End MM/YYYY	Total
\$260.00	4 (09/2024)	9 (02/2025)	\$1,560.00
\$540.00	10 (03/2025)	48 (05/2028)	\$21,060.00
TOTAL			\$22,620.00

2.3 The minimum plan length is 36 months or 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.

2.4 The debtor will also pay the trustee The net proceeds of any award received from class action lawsuit against Hyundai Motors.

2.5 The debtor will pay the trustee a total of \$23,400.00 [lines 2.1 + 2.2 + 2.4].

Part 3. PAYMENTS BY TRUSTEE AND TRUSTEE'S FEES: Prior to confirmation of the plan, the trustee will pay from available funds payments designated as Adequate Protection ("Adq. Pro.") under Parts 8 and 9 to creditors with claims secured by personal property. All other funds will be disbursed by the trustee following confirmation of the plan as soon as is practicable. The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee is not required to retain funds for any claim for which a proof of claim has not been timely filed and may disburse those funds to other claimants. The trustee may collect a fee of up to 10% of plan payments, or \$2,340.00 [line 2.5 x 0.10].

Part 4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES (§ 365): The debtor assumes the following executory contracts or unexpired leases. Debtor will pay directly to creditors all payments that come due after the date the petition was filed. Cure provisions, if any, are set forth in Part 7.

	Creditor	Description of property
None		

Part 5. CLAIMS NOT IN DEFAULT: Payments on the following claims are current. The debtor will pay directly to creditors all payments that come due after the date the petition was filed. The creditors will retain liens, if any.

	Creditor	Description of property		
5.1	Chase Auto Finance	2017 Hyundai Elantra Kelley Blue Book private party sale value		

Part 6. HOME MORTGAGES IN DEFAULT (§§ 1322(b)(5) AND 1322(e)): The trustee will pay the amount of default listed in the proof of claim on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay directly to creditors all payments that come due after the date the petition was filed. The creditors will retain liens. **All following entries are estimates.**

	Creditor	Amount of default	Monthly payment	Beginning in mo./yr.	# of payments	Remaining Payments	+ amount paid to date by Trustee (mod plan only)	= Total payments
6.1	US Bank/Guidance Residential	\$12,123.00	\$144.00	06/2024	9	\$12,123.00	\$0.00	\$12,123.00
			\$280.00	03/2025	39			
TOTAL								\$12,123.00

Part 7. CLAIMS IN DEFAULT (§§ 1322(b)(3) AND (5) AND 1322(e)): The trustee will pay the amount of default listed in the proof of claim in the amount allowed on the following claims. The debtor will pay directly to creditors all payments that come due after the date the petition was filed. The creditors will retain liens, if any. **All following entries are estimates, except for interest rate.**

	Creditor	Amount of default	Interest rate (if any)	Beginning in mo./yr.	Monthly payment	# of payments	Remaining payments	+ amount paid to date by Trustee (mod plan only)	= Total payments
None									
TOTAL									\$0.00

Part 8. SECURED CLAIMS SUBJECT TO MODIFICATION ("CRAMDOWN") PURSUANT TO § 506 (§ 1325(a)(5)) The trustee will pay, the amount set forth in the "Total Payments" column below on the following secured claims if a proof of claim is filed and allowed. Notwithstanding a creditor's proof of claim filed before or after confirmation, the amount listed in the secured claim amount column binds the creditor pursuant to 11 U.S.C. § 1327 and confirmation of the plan is a determination of the creditor's allowed secured claim. For secured claims of governmental units, unless otherwise ordered by the court, the value of a secured claim listed in a proof of claim filed in accordance with FRBP 3012(c) controls over any contrary amount. Unless otherwise specified in Part 16, the creditors listed in this Part retain the liens securing their allowed secured claims to the extent provided under 11 U.S.C. § 1325(a)(5)(B)(i). Any allowed unsecured portion of the claim will be paid under Part 12, Part 13, or Part 14.

	Creditor	Est. Claim amount	Secured claim amount	Int. rate	Adq. Pro. (Check)	Beginning in mo./yr.	Monthly payment	# of Payments	Remaining payments	+ amount paid to date by Trustee (mod plan only)	= Total payments
None											
TOTAL											\$0.00

Part 9. SECURED CLAIMS EXCLUDED FROM § 506 AND NOT SUBJECT TO MODIFICATION ("CRAMDOWN") (§ 1325(a)) (910 vehicles and other things of value) The trustee will pay the amount of the allowed secured claim listed in the proof of claim at the interest rate set forth below. Any allowed unsecured portion of the claim will be paid under Part 12, Part 13, or Part 14. All following entries are estimates, except for interest rate. Unless otherwise specified in Part 16, the creditors listed in this Part retain the liens securing their allowed secured claims to the extent provided under 11 U.S.C. § 1325(a)(5)(B)(i).

	Creditor	Est. Secured Claim amount	Int. Rate	Adq. Pro. (Check)	Beginning in mo./yr.	Monthly payment	# of Payments	Remaining payments	+ amount paid to date by Trustee (mod plan only)	= Total payments
None										
TOTAL										\$0.00

Part 10. PRIORITY CLAIMS (not including claims under Part 11): The trustee will pay in full all claims entitled to priority under § 507(a)(2) through (a)(10), including the following. **The amounts listed are estimates.** The trustee will pay the allowed portion of the priority amount listed in the proof of claim.

	Creditor	Claim amount	Beginning in mo./yr.	Monthly payment	# of payments	Remaining payments	+ amount paid to date by Trustee (mod plan only)	= Total payments
10.1	Kain + Henehan LLC	\$3,000.00	06/2024	\$90.00	9	\$3,000.00	\$0.00	\$3,000.00
			03/2025	\$200.00	11			
10.2	Internal Revenue Service	\$1.00		Pro-Rata		\$1.00	\$0.00	\$1.00
10.3	MN Revenue	\$1.00		Pro-Rata		\$1.00	\$0.00	\$1.00
TOTAL								\$3002.00

Part 11. DOMESTIC SUPPORT OBLIGATION CLAIMS: The trustee will pay in full all domestic support obligation claims entitled to priority under § 507(a)(1), including the following. **The amounts listed are estimates.** The trustee will pay the allowed portion of the priority amount listed in the proof of claim.

	Creditor	Claim amount	Beginning in mo./yr.	Monthly payment	# of payments	Remaining payments	+ amount paid to date by Trustee (mod plan only)	= Total payments
None								
TOTAL								\$0.00

Part 12. SEPARATE CLASSES OF UNSECURED CLAIMS: In addition to the class of unsecured claims specified in Part 13, there shall be separate classes of non-priority unsecured claims including the following. The trustee will pay the allowed portion of the nonpriority amount listed in the proof of claim. All following entries are estimates.

	Creditor	Unsecured claim amount	Interest rate (if any)	Beginning in mo./yr.	Monthly payment	# of Payments	Remaining payments	+ amount paid to date by Trustee (mod plan only)	= Total payments
None									
TOTAL								\$0.00	

Part 13. TIMELY FILED UNSECURED CLAIMS: The trustee will pay holders of allowed non-priority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under Parts 3, 6, 7, 8, 9, 10, 11, and 12 their pro rata share of approximately \$5,935.00 [line 2.5 minus totals in Parts 3, 6, 7, 8, 9, 10, 11, and 12].

13.1 The debtor estimates that the total unsecured claims held by creditors listed in Part 8 and 9 are \$0.00.

13.2 The debtor estimates that the debtor's total unsecured claims (excluding those in Parts 8 and 9) are \$57,527.00.

13.3 Total estimated unsecured claims are \$57,527.00 [lines 13.1 + 13.2].

Part 14. TARDILY-FILED UNSECURED CLAIMS: All money paid by the debtor to the trustee under Part 2, but not distributed by the trustee under Parts 3, 6, 7, 8, 9, 10, 11, 12, and 13, will be paid to holders of allowed nonpriority unsecured claims for which proofs of claim were tardily filed. Tardily filed claims remain subject to objection pursuant to 11 U.S.C. §502(b)(9).

Part 15. SURRENDER OF COLLATERAL AND REQUEST FOR TERMINATION OF STAY: The debtor has surrendered or will surrender the following property to the creditor. The debtor requests that the stays under §§ 362(a) and 1301(a) be terminated as to the surrendered collateral upon confirmation of the plan.

	Creditor	Description of property (including the complete legal description of real property)
		None

Part 16. NONSTANDARD PROVISIONS: The Trustee may distribute additional sums not expressly provided for herein at the trustee's discretion. Any nonstandard provisions, as defined in FRBP 3015(c), must be in this Part. Any nonstandard provision placed elsewhere in the plan is void. Any request by the debtor to modify a claim secured only by a security interest in real property that is the debtor's principal residence must be listed in this Part and the debtor must bring a motion to determine the value of the secured claim pursuant to Local Rule 3012-1(a).

1. **Carlson Part 16**

Pursuant to 11 U.S.C. §1305, a proof of claim may be filed by the Internal Revenue Service (IRS) for taxes that become payable while the case is pending. The trustee shall only pay 11 U.S.C. §1305 claims attributable to the taxable year in which the case concerning such debtor(s) was filed, and only to the extent funds are available.

The debtor shall send the Trustee each year during the Chapter 13 Plan, copies of his/her federal and state income tax returns at the time they are filed. If the debtor receives a refund from the federal taxing agency but owes the state taxing agency (or vice-versa), the debtor will net the two out and pay the trustee the amount over \$1,200 for a single filer, or \$2,000 for a joint filer (not including any Earned Income Credit or Working Family Credit). Any additional amounts shall be turned over to the Chapter 13 trustee as additional plan payments.

APPROVAL NOT REQUIRED TO INCUR POST PETITION DEBT. Approval by the bankruptcy court, or Chapter 13 trustee, shall not be required prior to debtor incurring ordinary consumer debt while this case is pending. Letters of approval will not be provided by the Chapter 13 trustee and one is not needed for debtor to incur post-petition ordinary consumer debt in Minnesota. All parties in interest retain all rights regarding the treatment of this debt in future modified plans and motions to confirm such plans. Upon the granting of relief from the automatic stay, the trustee shall cease payments on account of the secured portion of the applicable claim. For any claim arising from the granting of relief from the automatic stay, surrender,

foreclosure, repossession, or return of any collateral to any creditor listed in Parts 5, 6, 7, 8, 9, 10, 16 or Non-standard provisions, for any reason, including plan modification, the trustee shall pay such claim as a general unsecured claim upon amendment of the applicable claim. Any alleged balance of any claim to such creditor shall be discharged.

SUMMARY OF PAYMENTS

Class of payment	Amount to be paid
Payments by trustee [Part 3]	\$2,340.00
Home mortgages in default [Part 6]	\$12,123.00
Claims in default [Part 7]	\$0.00
Secured claims subject to modification (cramdown) pursuant to § 506 [Part 8]	\$0.00
Secured claims excluded from § 506 [Part 9]	\$0.00
Priority claims [Part 10]	\$3,002.00
Domestic support obligation claims [Part 11]	\$0.00
Separate classes of unsecured claims [Part 12]	\$0.00
Timely filed unsecured claims [Part 13]	\$5,935.00

Class of payment	Amount to be paid
TOTAL (must equal line 2.5)	\$23,400.00

Certification regarding nonstandard provisions:

I certify that this plan contains no nonstandard provision except as placed in Part 16.

Signed: s/ William Kain

William Kain
Attorney for debtor
Bar Number: 143005
Kain + Henehan LLC
808 West St Germain St
Saint Cloud, MN 56301
Phone: (612) 438-8006
Email: Bill@kainhenehan.com

Signed: **s/ Joshua LaRue Anderson**
Joshua LaRue Anderson
Debtor 1

Signed: _____
Debtor 2 (if joint case)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Case No. 24-60206

Chapter 13

Joshua LaRue Anderson

Debtor.

NOTICE OF CONFIRMATION HEARING

PLEASE TAKE NOTICE that the Confirmation Hearing on the Chapter 13 Plan is scheduled for Tuesday, August 27, 2024 at 10:00 a.m. in Courtroom 2, 2nd Floor, at the United States Courthouse, at 118 South Mill Street, in Fergus Falls, Minnesota.

Any objection to the modified plan filed shall be filed and served not later than Friday, August 23, 2024, 48 hours prior to the time and date set for the confirmation hearing.

Dated this 16th day of August, 2024.

KAIN + HENEHAN

s/WILLIAM P. KAIN - #143005
Attorney for Debtor(s)
808 West St. Germain Street
PO Box 1537
St. Cloud MN 56302
(612) 438-8006
bill@kainhenehan.com

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

IN RE:

CASE NO: 24-60206

**DECLARATION OF MAILING
CERTIFICATE OF SERVICE**

Chapter: 13

On 8/16/2024, I did cause a copy of the following documents, described below, to be served on the parties listed below:

Modified Chapter 13 Plan, Notice of Confirmation Hearing

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a [certIFICATEofservice.com](#), an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R.Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

Parties who are participants in the Courts Electronic Noticing System ("NEF"), if any, were denoted as having been served electronically with the documents described herein per the ECF/PACER system.

DATED: 8/16/2024

/s/ William Kain

William Kain 143005

Kain & Henehan
808 West St Germain ST
Saint Cloud, MN 56301
612 438 8006
bill@kainhenehan.com

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4 **UNITED STATES BANKRUPTCY COURT**
5 **DISTRICT OF MINNESOTA**
6
7

8 IN RE:
9 JOSHUA LARUE ANDERSON
10

11 CASE NO: 24-60206
12

13 **CERTIFICATE OF SERVICE**
14 **DECLARATION OF MAILING**
15

16 Chapter: 13
17

18
19 On 8/16/2024, a copy of the following documents, described below,
20 Modified Chapter 13 Plan, Notice of Confirmation Hearing
21

22
23
24 were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient
25 postage thereon to the parties listed on the mailing list exhibit, a copy of which is attached hereto and incorporated as if fully set forth
26 herein.
27

28 The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above
29 referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of
30 Service and that it is true and correct to the best of my knowledge, information, and belief.
31

32 DATED: 8/16/2024
33

34 
35

36 Miles Wood
37 BK Attorney Services, LLC
38 d/b/a certificateofservice.com, for
39 William Kain
40 Kain & Henehan
41 808 West St Germain ST
42 Saint Cloud, MN 56301
43

USPS FIRST CLASS MAILING RECIPIENTS:

Parties with names struck through or labeled CM/ECF SERVICE were not served via First Class USPS Mail Service.

CASE INFO

LABEL MATRIX FOR LOCAL NOTICING
NCRS ADDRESS DOWNLOAD
CASE 24-60206
DISTRICT OF MINNESOTA
FRI AUG 16 10-22-19 PST 2024

US BANK NATIONAL ASSOCIATION
14841 DALLAS PARKWAY SUITE 350
DALLAS TX 75254-7685

FERGUS FALLS ST PAUL
200 WARREN E BURGER FEDERAL BUILDING
AND
U S COURTHOUSE
316 N ROBERT ST
ST PAUL MN 55101-1495

CAPITAL ONE
ATTN BANKRUPTCY
PO BOX 30285
SALT LAKE CITY UT 84130-0285

CAPITAL ONE NA
BY AIS INFOSOURCE LP AS AGENT
PO BOX 71083
CHARLOTTE NC 28272-1083

(P) JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203-4774

HALLIDAY WATKINS MANN PC
1333 NORTHLAND DR STE 205
MENDOTA HTS MN 55120-1430

INTERNAL REVENUE SERVICE
GENERAL INSOLVENCY
PO BOX 7346
PHILADELPHIA PA 19101-7346

~~(P) JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
700 KANSAS LANE FLOOR 01
MONROE LA 71203 4774~~

KAIN HENEHAN LLC
703 WEST ST GERMAIN ST
SAINT CLOUD MN 56301-3534

MN REVENUE
BANKRUPTCY SECTION
PO BOX 64447
SAINT PAUL MN 55164-0447

(P) MOHELA
CLAIMS DEPARTMENT
633 SPIRIT DRIVE
CHESTERFIELD MO 63005-1243

MESSERLI KRAMER PA
3033 CAMPUS DRIVE STE 250
PLYMOUTH MN 55441-2651

STEPHANIEANN CALDWELL
4222 CLEARWATER RD APT 202
SAINT CLOUD MN 56301-5098

(P) U S BANK
4801 FREDERICA STREET
OWENSBORO KY 42301-7441

US BANKGUIDANCE RESIDENTIAL
ATTN BANKRUPTCY
800 NICOLLET MALL
MINNEAPOLIS MN 55402-7000

US TRUSTEE
1015 US COURTHOUSE
300 S 4TH ST
MINNEAPOLIS MN 55415-3070

DEBTOR
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1514 16TH STREET S
SAINT CLOUD MN 56301-5613

KYLE CARLSON
CHAPTER 13 TRUSTEE
PO BOX 519
BARNESVILLE MN 56514-0519

WILLIAM P KAIN
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808 WEST ST GERMAIN STREET
PO BOX 1537
SAINT CLOUD MN 56302-1537